IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

J U D G M E N T

S.B. CIVIL MISC. APPEAL NO. 1889/2006

GUMAN SINGH
Vs.
RAJASTHAN FINANCIAL CORPORATION & ORS.

DATE: 01.06.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. G.S. Shekhawat for the defendant-appellant.
Mr. Vinod Goyal for
Mr. Virendra Lodha for the respondents.

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The present civil misc. appeal under Order 43 Rule 1 CPC is directed against the order dated 19.04.2006 passed by the Additional Sessions Judge No.1, Sikar, whereby an application under Order 9 Rule 13 CPC filed by the appellant for setting aside the ex parte decree dated 02.12.1992 passed in Civil Suit No. 96/1988 was rejected.

Learned counsel for the appellant submits that the impugned order has wrongly been passed and he has not been furnished the statements of account and, therefore, he is not aware as to how much amount is due against the appellant.

Having heard rival submissions of the respective parties, in the interest of justice, one

chance be given to the appellant and he may furnish the receipts and details of the deposit made by him to the RFC and the RFC after verifying the same, shall issue fresh statement of account after adjusting the sale proceed of the jeep in question. After receipt of the statement of account, the appellant is at liberty to move application for granting permission for re-payment in installments and it is for the RFC to consider the same. The appellant is directed to furnish the details of money deposited against the loan amount within 15 days and thereafter within 15 days the RFC shall furnish the statement of account after verifying the facts.

For one month, execution of decree shall remain stayed. The RFC is at liberty to do needful after expiry of the period of one month and in case the RFC grants permission to the appellant to deposit the outstanding amount in installments, in such eventuality the execution shall remain kept in abeyance till the final payment of the due amount.

With these observations, the misc. appeal stands disposed of.

(K.S. RATHORE),J.

/KKC/